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December 8, 2006

From: Dan Cleveland, Jr.

Matter No.: 398960 NREL 01-36

| To: | Company: | Fax Number: | Phone Number: |
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| Mail Stop RCE Commissioner for Patents | United States Patent & Trademark Office | 571-273-8300 | |

Number of Pages Transmitted (including this cover sheet): 20

Message:

Applicant(s): Ding, Shi-You et al.

Serial No.: 09/917,376

Filed: July 28, 2001

For: Thermal Tolerant Avicelase From
Acidothermus cellulolyticus

Group No.: 1652

Examiner: Swope, Sheridan

Confirmation No. 9956

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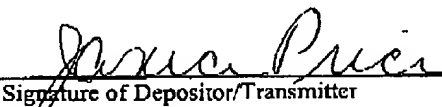
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|---|---------------|----------------|-----------------|
| CERTIFICATE OF TRANSMISSION (37 CFR 1.8) | | | Atty Docket No. |
| Applicant(s): Shi-You Ding | | | NREL 01-36 |
| Application No. | Filing Date | Examiner | Group Art Unit |
| 09/917,376 | July 28, 2001 | Sheridan Swope | 1652 |
| Title: Thermal Tolerant Avicelase From <i>Acidothermus cellulolyticus</i> | | | |
| Date of Transmittal: <u>December 8, 2006</u> | | | |
| I hereby certify that the following documents: | | | |
| 1. Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (2 pages, in duplicate) | | | |
| 2. Request for Continued Examination (RCE) Transmittal (1 page, in duplicate) | | | |
| 3. Amendment and Response (12 pages) | | | |
| 4. Fax cover page | | | |
| are being transmitted via facsimile no. 571-273-8300 to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated above. | | | |
| Janice Price | | | |
| Name of Depositor/Transmitter | | | |
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DEC 08 2006

PTO/SB/64 (09-04)

Approved for usci through 07/31/2006, OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
NREL 01-36

First named inventor: Shi-You Ding

Application No.: 09/917,376

Art Unit: 1652

Filed: July 28, 2001

Examiner: Swope, Sheridan

Title: Thermal Tolerant Avicelase From Acidothermus Cellulolyticus

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee — required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity - fee \$_____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$1,500 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of Amendment (identify type of reply):

☐ has been filed previously on _____.

☒ is enclosed herewith.

B. The issue fee of \$ _____

☐ has been paid previously on _____.

☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

12/11/2006 TL0111 00000036 120600 09917376
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PTO/SB/64 (06-04)

Approved for use 07/31/2006. OMB 0551-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

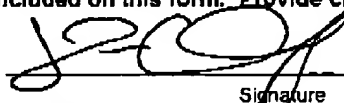
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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (II)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

| | |
|---|------------------------------------|
|  | December 8, 2006 |
| Signature | Date |
| Dan Cleveland, Jr. | 36,106 |
| Typed or printed name | Registration Number, if applicable |
| Lathrop & Gage LC | 720-831-3012 |
| Address | Telephone Number |
| 4845 Pearl East, Circle, Suite 300, Boulder, CO 80301 | |
| Address | |

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other : Request for Continued Examination (RCE) Transmittal; Certificate of Transmission; Fax cover page

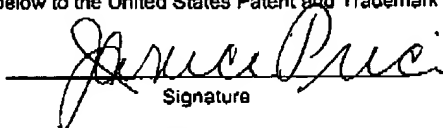
CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(A)]

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

December 8, 2006

Date



Signature

Janice Price

Typed or printed name of person signing certificate